



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,144	02/28/2000	Peter C. Lund	2380-57	9296

7590 06/04/2003

J Scott Davidson  
Nixon & Vanderhye P C  
1100 N Glebe Rd  
8th Floor  
Arlington, VA 22201

[REDACTED] EXAMINER

JAGANNATHAN, MELANIE

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2666

DATE MAILED: 06/04/2003

*S*

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
--------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT      PAPER

5

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/514,144	LUND ET AL.
	Examiner Melanie Jagannathan	Art Unit 2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 February 2000.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 16 is/are allowed.

6) Claim(s) 1,3-7,10-15 and 17-25 is/are rejected.

7) Claim(s) 2,8 and 9 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3-7, 10-15, and 17-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. US 6,353,593.

Regarding claims 1, 3-7, 13, 17-25, the claimed first and second redundant links (claims 1,3,5,6,13,17-18,20-25) is anticipated by working transmission link (Figure 1, element 44) and protection transmission link (element 46). The claimed receiving a data packet with a destination address (claim 1) is anticipated by destination node (element 34) processing ATM traffic from source node (element 30) with ATM cells with switching label. See column 3, lines 39-51 and lines 57-61. The claimed over-writing destination address with a routing tag identifying only an active one of the first and second links (claim 1,3-7,13,17,19,20) is

anticipated by nodes including ATM switch fabric (Figure 1, element 42) performing addressing translation for ATM traffic by translating necessary virtual path and virtual channel addresses in the switching label of the ATM cells and protection switching status determined for the working and protection links by automatic protection scheme to detect the failure of links so that the virtual path connections and virtual circuit connections for the protection path can be selected for use (Figure 4, elements 106 and 110). See column 3, lines 57-61, column 5, lines 43-48, column 6, lines 60-67 and column 7, lines 1-15.

Regarding claim 10, the claimed data packets created without regard to redundancy of first and second links is anticipated by source node receiving ATM cells for transmission independent of which link is going to be used-working or protection links.

Regarding claims 11 and 12, the claimed overwriting the standard addresses under a first operational condition and overwriting the standard addresses under a second operational condition is anticipated by automatic protection scheme checking for fault of links and if alarm indication signal for working transmission link is not received (Figure 4, elements 104 and 108) then the virtual path connections and virtual circuit connections of working link otherwise the virtual path connections and virtual circuit connections for protection link are selected (elements 106 and 110). See column 7, lines 1-15.

Regarding claims 14 and 15, the claimed modules between first and second modules are anticipated by intermediate nodes (Figure 1, element 32).

***Allowable Subject Matter***

3. Claims 2, 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claim 16 is allowed.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shiragaki US 6,023,452 discloses network failure restoration method with spare routes.

Manchester US 5,793,745 discloses bundled protection switching in a wide area network background of the invention.

Fukushima et al. US 6,038,678 discloses path switching method, path switching apparatus and nodes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 703-305-8078. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9315 for After Final communications.

Art Unit: 2666

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Melanie Jagannathan  
Patent Examiner  
AU 2666

MJ *A*  
May 29, 2003

Seema S. Rao  
SEEMA S. RAO 5/30/03  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600